

EXHIBIT O

JAMIE N. LAPRESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as
BLACK ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,

Defendants.

Examination Before Trial of

JAMIE N. LAPRESS, taken pursuant to the Federal Rules of
Civil Procedure, in the law offices of GRECO TRAPP, PLLC,
1700 Rand Building, 14 Lafayette Square, Buffalo, New York,
taken on January 5, 2018, commencing at 9:37 A.M., before
ERIN L. COPPING, Notary Public.

1 offices, they asked you to go in and you remember
2 them asking you what happened?

3 A. Well, that's going back to what she said like in
4 her statement, that just I remember them asking
5 me if I ever said any of the things she said I
6 said, and I never said any of those things.

7 Q. And what were those things?

8 A. Going back to that her kids were niggers. I
9 never said anything like that.

10 Q. Did they ask you anything else?

11 A. Just that -- let me think here. Not really that
12 I recall.

13 Q. Okay. I'm only asking you the best you remember.
14 The second time you met with them --

15 A. Pretty much the same thing.

16 Q. The third time you met with them?

17 A. The same.

18 Q. The fourth time you met with them?

19 A. Pretty much the same.

20 Q. The fifth time you met with them?

21 A. I'm not even sure there was a fifth time.

22 Q. So the four times it was the same thing, they
23 asked you what happened and you said you never

- 1 Q. Don't need the exact date, the best estimate.
- 2 A. I would say -- I don't know.
- 3 Q. Did you ever use the word nigger?
- 4 A. No.
- 5 Q. Do you ever use the word niggs?
- 6 A. No.
- 7 Q. Do you ever use the word Bob's niggs?
- 8 A. No.
- 9 Q. Did you ever hear the word nigger used --
- 10 A. No.
- 11 Q. -- at work? Anywhere?
- 12 A. I've heard the word used before.
- 13 Q. When is the last time you heard it used?
- 14 A. A couple seconds ago.
- 15 Q. Other than here when I'm using it for purposes of
- 16 asking you a specific question.
- 17 A. I've never heard it at work.
- 18 Q. I said when is the last time you heard the word
- 19 nigger used, not counting when you entered here
- 20 today?
- 21 A. I'm not sure.
- 22 Q. Do you know anyone that uses the word nigger?
- 23 A. I've heard it on TV. I've heard it in music. I

1 mean, it's a word some people use.

2 Q. Is that the only place you heard it was TV and
3 music?

4 A. I'm sure I probably heard it in random
5 conversations over the years.

6 Q. During the years that you worked at Black Angus
7 Meat, did you ever hear the name -- the term
8 nigger used?

9 A. At work, no.

10 Q. Outside of work, other than music and TV?

11 A. I may have.

12 Q. Do you recall?

13 A. Not really.

14 Q. Did you ever use the -- do you ever use the word
15 bitch?

16 MR. OPPENHEIMER: You're kidding, right?

17 MS. GRECO: I'm not.

18 MR. OPPENHEIMER: Would you direct your questions to
19 the workplace?

20 MS. GRECO: I can ask a question, especially in the
21 case where someone is alleged to have used the
22 term.

23 MR. OPPENHEIMER: It's completely irrelevant to your

1 Q. Have you ever used it?

2 A. I haven't.

3 Q. And where did you hear it?

4 A. I -- I've heard that at work.

5 Q. How often?

6 A. Not very often.

7 Q. What is not very often to you?

8 A. Probably -- I've probably heard it personally --
9 I don't know. Once or twice.

10 Q. Okay. And that's during the whole time of
11 employment?

12 A. (Indicating yes.)

13 Q. Now, you started working there approximately
14 when?

15 A. 2001, in the fall.

16 Q. Okay. And you're still working there?

17 A. Yes.

18 Q. And have you consistently worked there?

19 A. Yes.

20 MR. OPPENHEIMER: Form.

21 BY MS. GRECO:

22 Q. Can you tell me, have you ever worked with any
23 African-American co-workers?

1 Q. Tell us specifically so we know.

2 A. Regarding me not saying nigger or regarding the
3 paper towel dispenser? I'm not sure.

4 Q. Tell me exactly what you remember you said to
5 him, the words.

6 MR. OPPENHEIMER: Form.

7 THE WITNESS: I said basically the same thing I said
8 to Diane.

9 BY MS. GRECO:

10 Q. Which was?

11 A. Which was I described the incident and I said I
12 never said any of those things.

13 Q. Okay. But instead of saying I never said any of
14 those things, tell me specifically what you told
15 him you didn't say.

16 A. I never used the word nigger at work. I never
17 referred to her kids as niggers.

18 Q. Anything else?

19 A. Not that I recall.

20 Q. How many conversations did you have alone with
21 Robert Seibert regarding Darcy Black after Darcy
22 Black was no longer employed at Black Angus Meat?

23 MR. OPPENHEIMER: Form.

1 approximately May of 2004 until approximately May
2 of 2010?

3 MR. OPPENHEIMER: Could you read that question back,
4 please.

5 (Whereupon, the above-requested question was
6 then read back by the reporter.)

7 THE WITNESS: I did lots of things. Do you want the
8 whole list of things I've done there?

9 BY MS. GRECO:

10 Q. Well, during that period of time.

11 A. During that period of time?

12 Q. Starting with the stuff you did most frequently,
13 I mean, most often, if you did this thing a lot
14 say that one first, if you did it very little
15 just a few times say it less. See the
16 difference?

17 MR. OPPENHEIMER: Form. Form.

18 THE WITNESS: Okay. I do a lot of the receiving,
19 product coming into the building.

20 BY MS. GRECO:

21 Q. During that time?

22 A. Yeah.

23 Q. Okay.

1 A. I put the product away. I unloaded off the semi
2 trucks that pull in, do all that is like in --
3 there's -- in the coolers, in the freezers. I
4 rotate all the product. I made sausage at that
5 period of time. Which do you want to know what
6 that involves?

7 Q. No. You made sausage?

8 A. I made jerky. I've been trained to use all of
9 the equipment there like the grinder, the saw,
10 slicer, cuber.

11 Q. Were you doing that during that time?

12 A. Yes.

13 Q. Okay.

14 A. I operate -- I know how to operate the smoker. I
15 keep up the smoker logs, do -- I did all the --
16 well, most of the cleaning, taking all the
17 equipment apart, sanitizing it, working with
18 different chemicals. What else? I would pull
19 some packs occasionally, pretty much whatever
20 needed -- I cut meat. Outdoor maintenance like
21 shoveling, landscaping.

22 Q. When you say cut meat, you mean like be a
23 butcher?

1 A. Yup.

2 Q. Who trained you to do that?

3 A. Let's see. Tommy showed me how to do a bunch of

4 that stuff.

5 Q. When did Tommy train you to be a butcher?

6 MR. OPPENHEIMER: Form.

7 THE WITNESS: I'm not sure of the exact -- what the

8 exact dates were.

9 BY MS. GRECO:

10 Q. Was that before 2010?

11 A. I believe so.

12 Q. Do you know for sure?

13 A. I would say yes.

14 Q. How much of your job in 2010 was acting as a

15 butcher?

16 MR. OPPENHEIMER: Form.

17 THE WITNESS: It's not something I did all the time,

18 but I did it occasionally.

19 BY MS. GRECO:

20 Q. What is occasionally?

21 A. A lot of times if no one else was there like --

22 like if they left, if the meat cutter left like

23 say at three o'clock and someone came in and